

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMES A. NICHOLS,

Plaintiff,

v.

Case No. 3:17-cv-01263-JPG-DGW

MANDIE BAGWELL, R. PASS, and CALEB
MEYERS,

Defendants.

MEMORANDUM AND ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on the Report and Recommendation (“Report”) (ECF No. 39) of Magistrate Judge Donald G. Wilkerson with regard to defendant R. Pass’s motion to dismiss for lack of prosecution (ECF No. 38). The Court may accept, reject, or modify—in whole or in part—the findings or recommendations of the magistrate judge in a report and recommendation. FED. R. CIV. P. 72(b)(3). The Court must review de novo the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here the Court has received no objection to the Report, so it has reviewed the Report for clear error—but finds none. Accordingly, the Court:

- **ADOPTS** the Report in its entirety (ECF No. 39);
- **GRANTS** defendant R. Pass’s motion to dismiss (ECF No. 38);
- **DISMISSES** defendant R. Pass **WITH PREJUDICE**;
- **FINDS AS MOOT** the defendant R. Pass’s motion for sanctions (ECF No. 37); and

- **DIRECTS** the Clerk of Court to both enter judgment accordingly and close this case.

IT IS SO ORDERED.

DATED: NOVEMBER 28, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE